

REMARKS/ARGUMENTS

The Office has required restriction of Claims 1-27 into the following groups:

Group I: Claim(s) 1-15 and 20-27, drawn to a polishing body and method of polishing.

Group II: Claim(s) 16-19, drawn to a method of making a polishing body.

Applicants elect, with traverse, Group I (claims 1-15 and 20-27) for further prosecution.

The Examiner has asserted, on page 2 of the present Office Action, that the inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2, they lack the same or corresponding special technical features, since the special technical feature of Group I is the particular structure and composition of a polishing body, and its use as a polishing pad for polishing, and the special technical feature of Group II is the particular method steps for forming a polishing body. Thus, the Examiner required restriction among the above groups. Applicants respectfully traverse based on the following reasons.

The MPEP provides guidelines for the determination of a "lack of unity of invention" between restricted Groups. MPEP §1893.03(d) states:

"When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group."

The Examiner has provided a general assertion that unity of invention is lacking since the special technical feature of Group I is the particular structure and composition of a polishing body, and its use as a polishing pad for polishing, and the special technical feature of Group II is the particular method steps for forming a polishing body. However, the Examiner has not provided a proper determination as to why Groups I and II lack unity with

each other, in terms of a specific description of the unique technical feature in each group, for example, a specific description of the polishing body as noted in both Groups I and II.

Applicants note that a polishing body is cited in both groups.

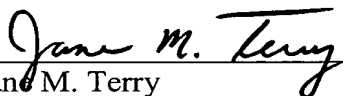
Applicants also respectfully submit that if the elected product claims are found allowable, withdrawn method claims should be rejoined under MPEP § 821.04, if the method claims depend on, or include all the limitations of, an allowed product claim.

Accordingly, for at least the above reasons, Applicants submit that the Office has not met the requirements to sustain a restriction in the present application. Applicants respectfully request the withdrawal of the Restriction Requirement.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and request early notice of such action.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Jane M. Terry
Registration No. 53,682

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)